(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

WRIT PETITION NO. 586 OF 2004.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Shri V.A. Lawande, Advocate for the Petitioner.

Shri M.S. Sonak, Advocate for the Respondent No.1.

Shri S.R. Rivonkar, Govt. Advocate for the Respondents No.2 and 3.

CORAM : A.P. LAVANDE &
N.A. BRITTO, JJ.

DATE : 16th March, 2005.

P.C.

Heard Shri Lawande, the learned counsel on behalf of the petitioner, Shri M.S. Sonak, the learned counsel on behalf of respondent No.1 and Shri Rivonkar, the learned Govt. Advocate on behalf of respondents No.2 and 3.

2. The grievance of the petitioner in this

petition was regarding the appointment of Shri S.R. Patil as in-charge of the post of Headmaster of the respondent-School, claiming seniority over and above him.

3. The respondent no.1-Society had approached this Court in Writ Petition No.463/94 and this Court, by Order dated 31.1.95, had appointed the then Advocate Shri R.M.S.Khandeparkar as a Commissioner to work out and prepare the seniority of the teaching staff of respondent-School. However, it was observed that neither the petitioner nor the respondent-School, or for that matter the Department, took up any follow-up action regarding the said Order dated 31.1.95 in W.P. No.463/94 and, as a result, the dispute as regards seniority of teaching staff of the respondent-

school continues.

4. After hearing the learned counsel for some time, we expressed the hope that in any event the Order of this Court dated 31.1.95 had to be complied, and the parties have therefore submitted Minutes of the Order which we approvedwith modifications as follows :-

5. Shri Carlos Alvares Ferreira, Assistant Solicitor General, practising before this Court is hereby appointed as Commissioner to work out and prepare the seniority list of the teaching staff of the respondent-Shri Durga English High School, Parsem on the basis of the records available with the respondent-School as well as the petitioner. The Commissioner will give an opportunity to all the teachers who are presently working in the said School of being heard in the matter

and finalise the seniority list and file the same in this Court within a period of two months and communicate the seniority list so prepared by the Commissioner which will be acted upon by the Government within two weeks thereafter from the date of communication of the report to the parties concerned. The other terms will be those which are contained in the Order of this Court dated 31.1.1995 except the amount of payment of fees to the Commissioner, which is increased from Rs.2000/- to Rs.5000/-. The fees to be paid to the Commissioner within a month from submission of the Report. Remedies as available to the parties under the Act and Rules framed thereunder are kept open including the rights and contentions raised by the respective parties in this petition.

6. Petition disposed of on the above terms. In case the parties are aggrieved by the Order of the Commissioner, liberty is given to them to approach directly the Administrative Tribunal.

A.P. LAVANDE, J.

N. A. BRITTO, J.

sl.